

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Miskovski	Team: Squad #3	CCRB Case #: 201906047	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/10/2019 8:45 AM	Location of Incident: South Street and Broad Street	Precinct: 01	18 Mo. SOL 1/10/2021	EO SOL 8/27/2021	
Date/Time CV Reported Wed, 07/10/2019 7:05 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/10/2019 7:05 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Baio	02952	926541	CW T TF

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Robert Swain	00000	902452	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Baio	Discourtesy: Police Officer Michael Baio spoke discourteously to § 87(2)(b)	
B.POM Michael Baio	Abuse: Police Officer Michael Baio threatened § 87(2)(b) with the use of force.	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via email on July 11, 2019.

On July 10, 2019, at approximately 8:45 a.m., § 87(2)(b) § 87(2)(b) and attempted to pass several traffic barriers located at the intersection of South Street and Broad Street to turn onto Broad Street in Manhattan. § 87(2)(b) attempted to instruct the two traffic agents present to move the barricades to allow him to pass. The traffic agents did not follow his requests, and § 87(2)(b) became more assertive, attracting the attention of Police Officer Michael Baio, of the Manhattan Traffic Task Force. PO Baio approached § 87(2)(b) and shouted, “Hey asshole, why don’t you stop giving those women a hard time? Can’t you see they work very hard?” § 87(2)(b) responded that he was only trying to do his job as § 87(2)(b), to which PO Baio replied, “Get the fuck out of here,” (**Allegation A: Discourtesy**, § 87(2)(g) § 87(2)(b) told PO Baio to have some respect and that his comments were unnecessary. PO Baio retorted, “You better pray I never catch you off the job,” and placed his hand on his gun (**Allegation B: Abuse of Authority**, § 87(2)(g) § 87(2)(b). The traffic agents managed to move the barriers while Lieutenant Robert Swain, also of the Manhattan Traffic Task Force, walked up to § 87(2)(b) and told him to let the altercation go. § 87(2)(b) then drove away from the traffic agents and police. § 87(2)(b) was not arrested nor issued any summonses.

There is no video evidence in this case (01 Board Review).

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Michael Baio spoke discourteously to § 87(2)(b).

Allegation (B) Abuse of Authority: Police Officer Michael Baio threatened § 87(2)(b) with the use of force.

In his verified statement to the CCRB, § 87(2)(b) stated that as a § 87(2)(b)

§ 87(2)(b) (Board Review 02). At approximately 8:45 a.m., § 87(2)(b) attempted to turn onto Broad Street from South Street in Manhattan. Several traffic barriers blocked the way, while two traffic agents stood nearby. § 87(2)(b) told the traffic agents to move the barriers, but they refused. § 87(2)(b) began to argue with the traffic agents, when he was approached by PO Baio shouting, “Hey asshole, why don’t you stop giving those women a hard time? Can’t you see they work very hard?” § 87(2)(b) told the officer that he was trying to do his own job, to which PO Baio told § 87(2)(b) “Get the fuck out of here.” § 87(2)(b) told PO Baio that his comments were unnecessary. PO Baio then placed his hand on his gun and said, “You better pray I never catch you off the job.” By this point, a traffic agent supervisor and the traffic agents were moving the barriers while Lt. Swain approached § 87(2)(b). Lt. Swain told § 87(2)(b) that PO Baio was his driver and that § 87(2)(b) should just let the entire argument go. § 87(2)(b) eventually drove down Broad Street and had no further interaction with the officers.

In his statement to the CCRB, PO Baio stated that he approached § 87(2)(b) because he was screaming obscenities at the traffic agents and telling them that he had to go past the barricades (04 Board Review). PO Baio tried to reassure § 87(2)(b) that everyone present was “on the same team” as city employees. A traffic agent supervisor approached § 87(2)(b) and told him that she would have the traffic agents move the barriers and requested his help to move them. § 87(2)(b) cursed at the supervisor and told her that it was not his job nor his problem. PO Baio then turned to § 87(2)(b) and said, “Sir, we’re all on the same team here. She’s just asking you to help; can you

please stop cursing at them.” § 87(2)(b) grew angrier and louder, shouting at the traffic agents and PO Baio. PO Baio denied using profanity when speaking with § 87(2)(b). PO Baio denied ever threatening § 87(2)(b) by saying, “You better pray I never catch you off the job.” The traffic agents moved the barriers, and § 87(2)(b) drove toward the unmarked police vehicle near the barricades, where Lt. Swain stood. PO Baio saw § 87(2)(b) speak with Lt. Swain, then drive away. PO Baio did not see § 87(2)(b) any further.

In his statement to the CCRB, Lt. Swain stated that he did not recall the interaction nor § 87(2)(b) **(03 Board Review)**.

The investigation determined that Brooklyn North Enforcement Traffic § 87(2)(b) § 87(2)(b) were stationed at the intersection of Broad Street and South Street in Manhattan **(05 Board Review)**. § 87(2)(b) was unable to be interviewed by the investigation because he was on an extended leave. There were no supervisors assigned to the area **(05 Board Review)**.

In her verified statement to the CCRB, § 87(2)(b) did not recall the incident **(06 Board Review)**. She did not recall any interactions with a sanitation worker and a police officer. § 87(2)(b) did not recall any supervisor visiting her post that day, nor the identity of her supervisor for the day.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party **(07 Board Review)**.
- PO Baio has been a member of service for 19 years and has been party to three other CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On December 27, 2019, a request for Notice of Claim was filed with the NYC Office of the Comptroller and will be added to the case file upon receipt **(08 Board Review)**.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer:

Signature

Print Title & Name

Date